



## TOWN OF EAST HAMPTON

300 Pantigo Place – Suite 105  
East Hampton, New York 11937-2684

Planning Department  
JoAnne Pahwul, AICP  
Director

Telephone (631) 324-2178  
Fax (631) 324-1476

**WIRELESS SITE PLAN INITIAL EVALUATION**  
**Verizon Wireless @ 106 Stephen Hands Path Personal Wireless Service**  
**Facility (PWSF) Site Plan/Special Permit (PWSF)**  
**SCTM# 300-193-2-4**

Prepared by: Eric Schantz  
Senior Planner

Date: April 15, 2020

### 1. APPLICATION INFORMATION

#### A. INFORMATION RECEIVED:

- Set of plans prepared by APT Engineering including; Sheets T-1, VB101, R-1, R-2, V-1, SP-1, SP-2, SP-3, EC-1, CP-1, A-1, A-2, C-1, C-2, C-3, S-1, M-1, E-1, E-2, E-3, E-4, N-1
- RF Engineer's report prepared by Pinnacle Telecom Group dated May 10, 2019
- RF report prepared by C Squared Systems, LLC dated March 30, 2020
- EAF Part I
- Application form
- Visual Assessment prepared by APT Engineering dated received April 3, 2020
- Structural engineer's letter from APT Engineering dated April 1, 2020
- FCC radio station authorization

**B. DATE SUBMITTED:** April 3, 2020

#### C. TYPE OF APPLICATION SUBMITTED:

(check one (1) of the following):

- ☐ Tier One  
☐ Tier Two  
☒ Tier Three

**D. OWNER:** Town of East Hampton

**E. CARRIER:** Verizon

**F. APPLICANT/AGENT:** Amato Law Group, PLLC on behalf of New York  
SMSA Limited Partnership (Verizon Wireless)

**G. SCHOOL DISTRICT:** Wainscott

- H. STREET NAME:** 106 Stephen Hands Path
- K. TYPE OF STREET:** Town
- L. ZONING DISTRICT:** A5: Residence, Water Recharge Overlay District
- M. SEQRA - TYPE OF ACTION:** Unlisted
- N. INVOLVED AGENCIES:** Planning Board, Architectural Review Board, Zoning Board of Appeals, New York State Department of Environmental Conservation, Federal Aviation Administration, Federal Communications Commission
- O. OTHER REVIEW:** Office of Fire Prevention, East Hampton Police Department, Village of East Hampton, Suffolk County Planning Commission

## 2. DESCRIPTION OF PROJECT

- A. AREA OF PARCEL:** 6.98 acres
- B. MOST RECENT CERTIFICATE OF OCCUPANCY (date & description):** N/A
- C. DESCRIPTION OF EXISTING STRUCTURES:** Town Highway Department garage and maintenance building along with asphalt parking area and outdoor materials storage
- D. DESCRIPTION OF PROPOSED STRUCTURES:** A new 120' AGL stealth monopole containing eight (8) interior-mounted panel antennas, a 10' X 17' (170 sq. ft.) concrete pad, an emergency propane generator with a 250 gallon tank, all to be situated in a 1,353 sq. ft. fenced-in compound along with a new gravel access road, lighting and re-vegetation.
- E. EXISTING & PROPOSED LOT COVERAGE:** 9%, 9%
- F. EXISTING & PROPOSED TOTAL COVERAGE:** 25.5%, 27.9%
- H. HEIGHT OF PROPOSED STRUCTURES:**
  - 1. **HEIGHT OF SUPPORT STRUCTURE:** 120' AGL
  - 2. **BASE OF ANTENNA OR DEVICE:** ~105 (varying)' AGL
  - 3. **TOP OF ANTENNA OR DEVICE:** 117' AGL
- I. NUMBER OF EXISTING PARKING SPACES:** Information not provided
- J. NUMBER OF PARKING SPACES REQUIRED:** To be determined
- K. TOTAL PARKING SPACES PROVIDED:** 1
- L. VARIANCES REQUIRED:** See issues for discussion
- M. DOES EXISTING & PROPOSED LIGHTING COMPLY WITH BOARD POLICY?** See issues for discussion
- N. NUMBER OF ACCESS POINTS:** One
- O. IS SIGHT DISTANCE ACCEPTABLE?** To be determined (existing, no change)
- P. ARE THERE OTHER CARRIERS USING THIS SITE:** No  
If yes, who are they? N/A
- V. DOES PROP. FACILITY COMPLY WITH FCC STANDARDS?** Yes, as per submitted RF engineer's report

## 3. SUBMISSION REQUIREMENTS PURSUANT TO CHAPTER 255 (LIST ITEMS AND SECTION FOR THOSE ITEMS NOT SUBMITTED)

See issues for discussion below

4. **SITE ANALYSIS:**

- A. **SOIL TYPE:** GP: Gravel Pits, CpC: Carver and Plymouth sands 3 – 15% slopes
- B. **FLOOD HAZARD ZONE:** X
- C. **DESCRIPTION OF VEGETATION:** Mostly mixed deciduous and coniferous representative of the South Fork Pine Barrens
- D. **RANGE OF ELEVATIONS:** ~10' – 30' AMSL
- E. **NATURE OF SLOPES:** Mostly flat but with some hills
- F. **TYPE OF WETLANDS WITHIN NRSP JURISDICTION:** Freshwater (See issues for discussion)
- G. **SETBACK FROM ANY WETLAND OR WATER BODY:** See issues for discussion
- H. **ARE THERE TRAILS ON SITE?** No
- I. **DEPTH TO WATER TABLE:** 15' at the project site
- J. **DOES THE SITE CONTAIN HISTORIC OR ARCHAEOLOGICAL RESOURCES?** None have been identified
- K. **IS THE SITE CONTAINED WITHIN:**

NYS Significant Coastal Fish & Wildlife Habitat	No
Local Significant Coastal Fish & Wildlife Habitat	No
US Fish & Wildlife Significant Ecological Complex	No
PEP CLPS list	No
Town Community Preservation Fund List	No
Recommended Scenic Area of Statewide Significance	No
Suffolk County designated Pine Barrens	Yes
South Fork Special Groundwater Protection Area	Yes
Town Overlay District	WROD

**Other Background Information:**

Application has been made for a new personal wireless service facility consisting of a new 120' AGL stealth monopole containing eight (8) interior-mounted panel antennas, a 10' X 17' (170 sq. ft.) concrete pad with a canopy to situate electrical equipment on, an emergency propane generator with a 250 gallon tank, all to be situated in a 1,353 sq. ft. fenced-in compound along with a new gravel access road, lighting and re-vegetation.

The subject parcel is situated in Wainscott and is zoned A5: Residence with a Water Recharge Overlay District (WROD) designation. It is owned by the Town of East Hampton and contains maintenance and storage facilities of the East Hampton Town Highway Department. The property is also situated in a number of areas unique for groundwater protection including Suffolk County designated Pine Barrens and the South Fork Special Groundwater Protection Area. There are expansive areas of freshwater wetlands to the immediate west and partially on the subject parcel.

## Issues for Discussion:

### SEQRA

Pursuant to SEQRA (NYCRR Part 617.4 (9)) and Chapter 128 of the Town Code the proposed project is an unlisted action. The Planning Department recommends that the Planning Board declare lead agency status.

### Special Permit Standards

The Planning Board should review the specific special permit standards for a personal wireless service facility (see below). The following is a summary of standards which the Planning Department feels the Planning Board should focus its review on to determine if the project (as proposed) can meet these standards or if alternative designs need to be employed:

#### Location Standards:

Section 255-2-90 of the Town Code contains a set of **directory**, not mandatory, location standards.

*"A. Opportunity sites. A personal wireless service facility should be located at one of the following opportunity sites:*

- (1) Public rights-of-way utility poles, including telephone poles, utility-distribution poles, streetlights and traffic signal stanchions.*
- (2) Religious institutions.*
- (3) Rooftops.*
- (4) Tree masses.*
- (5) Town-owned properties (except designated open space), depending upon siting and design standards.*

*B. Avoidance areas. A personal wireless service facility should not be located in the following avoidance areas:*

- (1) Open spaces, including:*
  - (a) Woodlands.*
  - (b) Wetlands.*
  - (c) Moorlands (dwarf forest).*
  - (d) Meadow/old fields (open or formerly farmed areas).*
  - (e) Downs (prairie).*
  - (f) Duneland/beach.*
  - (g) Farmland (active agriculture).*
- (2) Other areas attendant to water bodies and shorelines*
- (3) Flood-prone areas.*
- (4) Historically and culturally significant resources, including historic sites, historic districts as well as structures.*
- (5) Areas identified in the Scenic Resources Study and Scenic Areas of Statewide Significance, not otherwise classified above."*

The site meets criteria as an opportunity site as it would be within tree masses and is Town-owned. It does not meet any of the avoidance area criteria.

Siting Standards:

Section 255-5-50 of the Town Code contains a set of **directory**, not mandatory, siting standards. It appears that the facility will not meet a number of these standards, most notably:

*“To the greatest extent possible, personal wireless service facilities should be concealed within existing structures or where camouflaged conditions surround them, or on inconspicuous mounts.”*

*“Placement within trees should be encouraged, but no antennas should extend higher than 10 feet above the average tree height.”*

Although within a heavily wooded area and a stealth monopole design, which the Planning Board has encouraged, the tower would protrude roughly 60’ above the tree line and the visual analysis indicates that it would be visible year-round from numerous locations.

A Visual Assessment prepared by APT Engineering has been received. A balloon-float and field reconnaissance were performed on March 12, 2020 and used to create visual renderings. Renderings for 21 different locations in the surrounding area have been provided. Additionally, the document identifies which locations where the tower would not be visible, which would be seasonally visible and would be visible year-round. Places identified as locations where the tower would potentially be seen seasonally or year-round include:

- Town Highway Department facility on the subject parcel (year-round)
- Town recreational facility and playing fields to the north on Stephen Hands Path (year-round)
- Stephen Hands Path (year-round)
- Montauk Highway (both year-round and seasonally)
- Huckleberry Lane (both year-round and seasonally)

The Board should discuss at this time whether or not any additional information pertaining to the visibility of the proposed site is required at this time.

Alternatives:

Section 255-5-50 of the Town Code requires that where the applicant has not submitted any alternative options, the Planning Department prepare (at least) two (2) alternatives to the proposed project and rank them in order of preference:

- Option 1: Propose multiple shorter stealth monopoles throughout the subject parcel or also one or more on one of the neighboring Town-owned lots. Including providing greater distance and screening from Montauk Highway.



- Option 2: Shorten the height of the tower in the proposed location to reduce its visibility.

### **Protection of Freshwater Wetlands**

There is an expansive freshwater wetland to the immediate west and east of the property. The plans have illustrated a wetland boundary which was not established by the Town. Based on this wetland line, it appears that no relief would be required from the Zoning Board of Appeals (ZBA) for the facility itself. However, all wetland boundaries must be established through a lot inspection performed by the Planning Department. The last lot inspection occurred in 1999 and needs to be updated. The applicants have applied for a new lot inspection.

A utility trench would be within Natural Resources Special Permit (NRSP) jurisdiction of the wetlands to the east and the clearing for the trench will require an NRSP. The applicants propose to re-vegetate any areas cleared for the trench with a mixture of native trees and shrubs including various species of Oaks and Pitch Pine (*Pinus rigida*) with among others huckleberry (*Gaylussacia baccata*) as an understory.

### **Protection of Groundwater**

As noted above the parcel is situated in multiple special groundwater protections areas. However, the applicants are not proposing any generated sanitary flow and the facility itself would have a relatively small footprint of additional structures that could produce stormwater run-off. Additionally, the applicants propose a propane tank and generator as opposed to any liquid fuels.

The submitted plans do not appear to provide the required depth of the footing for the tower. Although test hole data was not provided the application states that there is a roughly 15' depth to groundwater. A concrete footing should not have an adverse impact on groundwater but these items (accurate depth to groundwater and the footing size) should be clarified.

### **Emergency Services Communications**

The proposed stealth monopole design does not allow for Town emergency services equipment as per the East Hampton Police Department's Communication Technician.

### **Lighting**

Four (4) light fixtures are proposed. These fixtures meet the Planning Board's Guidelines for Exterior Lighting with regard to initial lumen levels. However, they are a flood light design which the Board has prohibited. Additionally, little information has been provided and the following should be provided on a lighting plan:

- A "4-hour timer" is proposed as the control method. The applicants should clarify exactly how this works (i.e. will it be on everyday or is this a failsafe in case a technician does not turn off the lights before leaving the site?)
- Color temperature has not been provided. It cannot exceed 3000 Kelvin.
- Footcandle measurements should be provided.

**Cell Service Coverage**

Although the Town Code currently directs the Board to apply its special permit standards without regard to a carrier's coverage needs in a number of specific standards, as the Board knows from recent applications, Federal Laws require that if a coverage gap can be demonstrated, the proposed structure should be approved provided it is the least intrusive means of remedying that coverage gap. The applicants have submitted an RF report (prepared by C Squared Systems, LLC dated March 30, 2020) which demonstrates a significant coverage gap.

**Time Limitations**

As per the Town Attorney's Office, it appears that under applicable Federal Law, the time limitation for the Board to render a decision on this application is August 31, 2020.

**Structural Analysis**

The applicants have submitted a structural engineer's letter from APT Engineering dated April 1, 2020. This memo states that the monopole will be designed to meet applicable wind loading standards.

**Radio Frequency Engineer's Report**

An RF Engineer's report prepared by Pinnacle Telecom Group dated May 10, 2019 has been submitted. It appears that the proposed modification to the facility will meet all applicable Federal Communications Commission (FCC) guidelines.

**Federal Communications Commission (FCC)**

It appears that the facility has already obtained FCC approval.

**Federal Aviation Administration (FAA)**

Based upon conversations with the East Hampton Police Department's (EHPD) Communications Technician that the facility has received approval from the FAA. The EHPD has been in contact with the Airport Manager.

**Required Referrals**

Village of East Hampton: The subject parcel abuts the boundary of the Village of East Hampton and the proposed facility is within 500' of this boundary.

Suffolk County Planning Commission: The application requires referral to the Suffolk County Planning Commission as it is within 500' of a State highway and within the Suffolk County Pine Barrens.

**Conclusion**

In conclusion, the Planning Department finds that the proposed new monopole may present a potential significant adverse impact to aesthetic resources and community character under SEQRA. This is primarily due to its year-round and seasonal visibility (as per the applicant's submitted Visual Assessment) from a residential neighborhood to the

east (Huckleberry Lane) as well as from Montauk Highway. This portion of Montauk Highway is the most heavily trafficked in the Town of East Hampton.

The Board should determine if it needs any additional information at this time including any visualizations from additional locations. This would include along Montauk Highway and adjacent residential neighborhoods including those adjacent to Huckleberry Lane (to the northeast), the areas adjacent to Georgica Pond (to the south) and Georgica Woods Lane (to the west).

The Board should also discuss at this initial stage whether to encourage the applicants to pursue alternative locations on or off the subject parcel, as well as to lower the proposed height for the stealth monopole. The Board should ultimately verify this with Counsel, but it appears based on Federal laws that requests for new personal wireless service facilities such as the one currently proposed should be approved, provided it is the least intrusive means of remedying a service coverage gap.

It is recommended by the Planning Department that the Board focus its deliberations on what is needed to determine whether or not the project, as currently proposed, is the least intrusive means of remedying a service coverage gap while also considering all applicable standards of the East Hampton Town Code.

ES

### **Planning Board Consensus**

*Declare lead agency?*

Additional comments: \_\_\_\_\_

*Should the additional information regarding the proposed lighting be submitted?*

Additional comments: \_\_\_\_\_  
\_\_\_\_\_

*Is any additional information regarding the potential visibility of the proposed monopole from additional locations required at this time?*

Additional comments: \_\_\_\_\_  
\_\_\_\_\_

*Would the Board prefer the applicants pursue one or more of the alternatives offered by the Planning Department?*



Additional comments: \_\_\_\_\_

### **Section 255-5-40 General Special Permit Standards**

No special permit shall be granted unless the issuing board shall specifically find and determine that:

- A. Nature of use. The use proposed will be in harmony with and promote the general purposes of this chapter as the same are set forth in § 255-1-11 hereof.
- B. Lot area. The lot area is sufficient, appropriate and adequate for the use, as well as reasonably anticipated operation and expansion thereof.
- C. Adjacent properties. The proposed use will not prevent the orderly and reasonable use of adjacent properties, particularly where they are in a different district.
- D. Compatibility. The site of the proposed use is a suitable one for the location of such a use in the Town, and, if sited at that location, the proposed use will in fact be compatible with its surroundings and with the character of the neighborhood and of the community in general, particularly with regard to visibility, scale and overall appearance.
- E. Effect on specific existing uses. The characteristics of the proposed use are not such that its proposed location would be unsuitably near to a church, school, theater recreational area or other place of public assembly.
- F. Use definition. The proposed use conforms to the Town Code definition of the special permit use where such definition exists or with the generally accepted definition of such use where no definition is included in the Code.
- G. Circulation. Access facilities are adequate for the estimated traffic generated by the proposed use on public streets and sidewalks, so as to assure the public safety and to avoid traffic congestion; and, further, that vehicular entrances and exits shall be clearly visible from the street and not within 75 feet of the intersection of street lines at a street intersection, except under unusual circumstances.
- H. Parking. There is room for creation of off-street parking and truck loading spaces at least in the number required by the applicable provisions of this chapter, but in any case adequate for the actual anticipated number of occupants of the proposed use, whether employees, patrons and visitors; and, further, that the layout of the spaces and related facilities can be made convenient and conducive to safe operation.

I. Buffering and screening. Adequate buffer yards and screening can and will be provided to protect adjacent properties and land uses from possible detrimental impacts of the proposed use.

J. Runoff and waste. Adequate provision can and will be made for the collection and disposal of stormwater runoff, sewage, refuse and other liquid, solid or gaseous waste which the proposed use will generate.

K. Environmental protection. The natural characteristics of the site are such that the proposed use may be introduced there without undue disturbance or disruption of important natural features, systems or processes and without significant negative impact to groundwater and surface waters on and off the site.

L. Compliance with other laws. The proposed use can and will comply with all provisions of this chapter and of the Code, including Chapters 180 and 185 thereof, which are applicable to it, and can meet every other applicable federal, state, county and local law, ordinance, rule or regulation.

M. Conformity with other standards. The proposed use can and will meet all of the general standards for special permit uses in particular districts set forth in § 255-5-45 and also meets all of the specific standards and incorporates all of the specific safeguards required of the particular use, if any, by § 255-5-50.

#### **Section 255-5-50 PERSONAL WIRELESS SERVICE FACILITIES**

All personal wireless service facilities shall require a special permit and shall be reviewed pursuant to the following standards or make provisions for the following requirements:

(1) Location standards, as set forth in § 255-2-90 of this chapter.

(2) Siting standards. Personal wireless service facilities should meet the following siting standards. These standards are directory, not mandatory.

(a) To the greatest extent possible, personal wireless service facilities should be concealed within existing structures or where camouflaged conditions surround them, or on inconspicuous mounts.

(b) Placement within trees should be encouraged, but no antennas should extend higher than 10 feet above the average tree height.

(c) Placement on existing roofs or non-wireless structures should be favored over ground-mounted personal wireless service facilities.

(d) Roof-mounted personal wireless service facilities should not project more than 10 additional feet above the height of a legal building, but in no way above the height limit of the zoning district within which the personal wireless service facility is located.

(e) Side-mounted personal wireless service facilities should not project more than 20 inches from the face of the mounting structure.

(f) These standards apply regardless of RF engineering considerations.

(3) Design standards. Personal wireless service facilities should meet the following design standards. These standards are directory, not mandatory.

(a) Color. All personal wireless service facilities should be painted or complementary with natural tones (including trees and sky).

(b) Size. The silhouette of the personal wireless service facility should be reduced to the minimum visual impact.

(c) Personal wireless service facilities near residences should either:

[1] Provide underground vaults for equipment shelters; or

[2] Place equipment shelters within enclosed structures approved by the Town of East Hampton.

(d) Equipment. The following types of equipment should be discouraged:

[1] Roof-mounted monopoles, lattice towers or guyed towers.

[2] Ground-mounted lattice towers.

[3] Ground-mounted guyed towers.

(e) Height should be kept to a minimum.

[1] Heights of personal wireless service facilities should be no higher than the height of the uppermost height of nearby buildings (within 300 horizontal feet when measured along the ground) of the proposed personal wireless service facility, regardless of prevailing height limits in the zoning district.

[Amended 12-5-2003 by L.L. No. 40-2003]

[2] In the event there are no nearby buildings (within 300 horizontal feet when measured on the ground) of the proposed site of the personal wireless service facility the following should apply:

All ground-mounted personal wireless service facilities (including the security barrier) should be surrounded by nearby dense tree growth for a radius of 20 horizontal feet (when trunk center lines are measured on the ground) from the personal wireless service facility in any direction. These trees can be existing on

the subject property or installed to meet the twenty-foot requirement as part of the proposed personal wireless service facility or they can be a combination of both.

Ground-mounted personal wireless service facilities should not project more than 10 feet above the average tree height.

(f) These standards apply regardless of RF engineering considerations.

(4) Safety standards. Personal wireless service facilities should meet the following safety standards. These standards are directory, not mandatory.

(a) Hurricane and tornado design standards should be those of the local building codes used in the Town of East Hampton or EIA-TIA 22 (latest version), whichever is stricter.

(b) Roof mounts on buildings should have railings to protect workers.

(5) Fall zone and setback requirements.

(a) Fall zone.

[1] No habitable structure or outdoor area where people congregate should be within a fall zone of two times the height of the personal wireless service facility or its mount.

[2] No adjoining property line may be within the fall zone of a radius equal to the height of the personal wireless service facility or its mount.

(b) Setback.

[1] All personal wireless service facilities, including mounts and equipment shelters, shall comply with the minimum setback requirements of the applicable zoning district as set forth in the Town of East Hampton Zoning Code, depending upon whether any structure is considered a primary use or an accessory use.

[2] The antenna array for an attached personal wireless service facility is exempt from the setback requirements of this section and from the setback for the zoning district in which they are located, provided that no such antenna array shall extend more than five feet horizontally from the attachment structure at the point of attachment.

[3] On parcels with a principal building housing a primary use, all components of the personal wireless service facility shall be located behind the main building line.

[4] No portion of any personal wireless service facility shall project into a required setback more than the maximum projection permitted in the zoning district in which the facilities are located.

(6) Alternatives analysis and comparison.

(a) Each application for a personal wireless service facility should also contain at least two alternatives that differ from the personal wireless service facility proposed in the application.

(b) The alternatives need not be totally different from the proposed personal wireless service facility; however, the alternatives should contain measurable differences, such as:

[1] Height. An alternative can be identical to the proposed personal wireless service facility except to be for a shorter height.

[2] Number. An alternative could be for two or more personal wireless service facilities that are shorter than the proposed personal wireless service facility.

[3] Location. An alternative could be located on a different property than the proposed personal wireless service facility.

[4] Siting. An alternative could be in a different place on the same property as the proposed personal wireless service facility.

[5] Design. An alternative could be of the same height, location and siting as the proposed personal wireless service facility, but be designed to appear differently.

(c) Submittal requirements for alternatives. The materials submitted for each alternative should show only the differences between each of the alternatives and the proposed personal wireless service facility.

(d) Department of Planning provision of alternatives.

[1] If the applicant has not submitted two alternatives, the Town of East Hampton Department of Planning staff shall prepare at least two alternatives.

[2] If the applicant has submitted two or more alternatives, the Town of East Hampton Department of Planning staff shall prepare at least one alternative.

(e) Comparison of proposed personal wireless service facility and alternatives. The Town of East Hampton Department of Planning staff shall compare the proposed personal wireless service facility to the alternatives on the basis of the following:



[1] Change in community scale, as exhibited in relative height, mass or proportion of the personal wireless service facility within its proposed surroundings.

[2] New visible elements proposed on a contrasting background.

[3] Different colors and textures proposed against a contrasting background.

[4] Use of materials that are foreign to the existing built environment.

[5] Conservation of opportunities to maintain community scale, not compromising buffering areas and low-lying buildings so as to start a trend away from the existing community scale.

[6] Amount and diversity of landscaping and/or natural vegetation.

[7] Preservation of view corridors, vistas, and viewsheds.

[8] Continuation of existing colors, textures and materials.

(f) Ranking of proposed personal wireless service facility and alternatives. The Town of East Hampton Department of Planning staff shall rank the proposed personal wireless service facility and each alternative based on the criteria listed in Subsection 255-5-50(6)(e) above. The ranking of the proposed personal wireless service facility and each alternative shall be submitted to the Planning Board along with each application for review by the Planning Board. The Planning Board shall consider the alternatives along with the proposed personal wireless service facility.

(7) Radio frequency radiation emissions.

(a) FCC Guidelines. A statement certifying that as proposed, the personal wireless service facility complies with the FCC Guidelines for Evaluating the Environmental Effects of Radiofrequency Radiation (FCC Guidelines) concerning radio frequency radiation and emissions shall be provided at the time of final site plan review, or building permit application for facilities not requiring site plan review.

(b) No contravention of FCC Guidelines. A personal wireless service facility that meets the FCC Guidelines shall not be conditioned or denied on the basis of radio frequency impacts.

(8) Noise.

(a) No equipment shall be operated at a personal wireless service facility so as to produce noise in excess of the applicable noise

standards under § 255-1-90, except for emergency situations requiring the use of a backup generator, where the noise standards may be exceeded on a temporary basis until such emergency has passed.

### **Section 255-2-90 Location Standards**

The approval of personal wireless service facilities shall be subject to meeting or exceeding the following standards:

A. Opportunity sites. A personal wireless service facility should be located at one of the following opportunity sites:

- (1) Public rights-of-way utility poles, including telephone poles, utility-distribution poles, streetlights and traffic signal stanchions.
- (2) Religious institutions.
- (3) Rooftops.
- (4) Tree masses.
- (5) Town-owned properties (except designated open space), depending upon siting and design standards.

B. Avoidance areas. A personal wireless service facility should not be located in the following avoidance areas:

- (1) Open spaces, including:
  - (a) Woodlands.
  - (b) Wetlands.
  - (c) Moorlands (dwarf forest).
  - (d) Meadow/old fields (open or formerly farmed areas).
  - (e) Downs (prairie).
  - (f) Duneland/beach.
  - (g) Farmland (active agriculture).
- (2) Other areas attendant to water bodies and shorelines.
- (3) Flood-prone areas.
- (4) Historically and culturally significant resources, including historic sites, historic districts as well as structures.
- (5) Areas identified in the Scenic Resources Study and Scenic Areas of Statewide Significance, not otherwise classified above.

C. These location standards shall be considered directory but not mandatory. Interpretation of opportunity sites and avoidance areas shall be based on the

Town of East Hampton Department of Planning maps or aerial photographs provided by the applicant.

D. Personal wireless service facilities may also be permitted in areas that are not opportunity sites subject to the siting, design and safety standards in § 255-5-50 and permitted in avoidance areas subject to the siting, design and safety standards in § 255-5-50.

E. These standards apply regardless of radio frequency (RF) engineering considerations.